5.0 CONSISTENCY WITH ADOPTED PLANS AND POLICIES

5.1 CALIFORNIA COASTAL ACT

This section examines the consistency of Program Alternatives with the California Coastal Act. This analysis assumes that all feasible mitigation measures identified in the EIR/EA for the different Program Alternatives are implemented.

The offshore actions, as well as disposal activities at the Port of Long Beach (POLB), would be located within the boundaries of the California Coastal Zone. The California Coastal Commission certified the POLB Port Master Plan, and acts as an appeal body for developments that are appealable to the Commission. The Commission also exercises original permit jurisdiction on state tidelands, submerged lands, public trust lands, and all lands seaward of the mean tide lines out to 3 miles. Therefore, actions affecting such lands are subject to the requirements of the California Coastal Act of 1976 (California Public Resources Code sections 30000 – 30900).

The basic goals of the State for the coastal zone, as described in section 30001.5 of the Act, are to:

- Protect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.
- Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.
- Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and the constitutionally protected rights of private property owners.
- Assure priority for coastal-dependent and coastal-related development over other development on the coast.
- Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

Applicable sections of the Act include the following:

Section 30220. *Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

Water-oriented recreational activities that could be affected by the project include recreational fishing and boating. Removal of the shell mounds and structures would not adversely affect recreational fishing because biota associated with the shell mounds appear to have decreased in species richness and abundance since the removal of the platforms, and the shell mounds are now used only infrequently by recreational fishers. Transporting dredged material in accordance with standard safety procedures outline in

Sections 3.7 and 3.9 would not result in adverse impacts to recreational fishing. Accidental spills could affect water quality within the POLB during off-loading activities, but the potential for large spills is remote, and it is unlikely that significant adverse impacts to fish (or fishing) would occur. Some benefit to recreational fishers could result from the enhancement option of the "Leave-in-Place" scenario since the amount of solid substrate that could support some species of commercial and/or recreational fishing value would increase. Other options considered under the "Leave-in-Place" scenario would not adversely affect recreational fishing since, as noted above, this area is not currently used for this purpose.

The transport of dredged material by barge and the transport of other equipment to the site would have no effect on recreational boating since the relatively small area affected would be readily avoidable and ocean-based recreational boating opportunities are widely available. For the same reasons, the disposal of dredged material at LA-2 would have no impacts on recreational boating.

Disposal within the POLB would not affect recreational boating. The number of barge trips required (estimated as 13) would be negligible compared to the total number of large vessels that use the Port (the 10th busiest container port in the world), and standard safety procedures would be followed; thus, recreational boating would be able to continue unimpeded. It is assumed that disposal would occur in the portion of the Port used for industrial activities and would not affect onshore recreational uses.

PA1 through PA6 and the No Project Alternative would be consistent with this policy.

Section 30230. *Marine resources shall be maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

The only unavoidable significant impacts to marine resources would result from the potential exposure of marine biota and their habitats to contaminated sediments as a result of either ocean disposal at LA-2 or the implementation of PA2 or PA5b. Ocean disposal at LA-2 and the implementation of PA2 or PA5b, therefore, would be inconsistent with the above policy.

Removal of the shell mounds and structures and the transport of dredged materials could potentially result in collisions between vessels and marine mammals, although this is unlikely. There also is the potential for marine wildlife, fish, and benthic organisms to be exposed to contaminants as a result of these actions; although, with the exception of oil spills, the impacts are considered less than significant. The likelihood of accidental spills (including dredged material and oil) during the transport of dredged material and disposal at the POLB is minimal and would not result in significant impacts to marine biota.

The use of underwater explosives to remove the Platform Hazel caissons would have potentially significant impacts on marine biota, but these impacts would be mitigated to less than significant by the measures identified in Sections 3.3 and 3.4. Residual, less-than-significant, impacts include temporary behavioral changes, such as changing course or speed, temporary or long-term diminishment of hearing in sea birds, and chemical and turbidity impacts. The "Leave-in-Place" options would have impacts similar to those described above, with the exception of those relating to explosives. Removal of the shell mounds could result in some modest beneficial impacts by removing potentially toxic material from the sea floor. Other beneficial impacts would result from PA3 and PA4, which would increase high-relief, hard substrate and capping. This would isolate contaminated material and reduce the potential migration of contaminants through the shell mound layers and into the water column. Some resuspension of contaminated shell mound sediments could occur, without mitigation, during the placement of capping material, but this would be less than what would occur during the removal of the shell mounds, and is considered less than significant.

With the exception of disposal at LA-2 and implementation of PA2 or PA5b, all potential project components would be consistent with this policy given the implementation of mitigation measures identified in Sections 3.3 and 3.4 or otherwise incorporated into the Program Alternatives' descriptions.

Section 30231. *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

The potential for leaks or spills of dredged materials from barges would be minimized by filling below capacity, line loading, and/or restricting transit during poor weather conditions. Monitoring the draft of the barge during transit is also a standard practice to verify that losses or leaks are negligible. Even in the event of unanticipated spills during transport and disposal of dredged material, impacts to water quality would be temporary, localized, and less than significant.

Section 30232. *Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.*

During shell mounds removal, there is a potential for resuspension and leakage or spillage of bottom sediments from the dredge, possibly temporarily exceeding the water

quality criteria contained in the California Ocean Plan and the EPA's water quality criteria (see Section 3.2.2.2 for additional detail). Turbidity and suspended sediment plumes associated with spills or leaks from the barges during transit to the LA-2 disposal site or the POLB would be temporary, and conditions would not cause significant toxicity to marine organisms. Although unlikely, spills of large volumes of material could result in localized impacts to water or sediment quality. Turbidity and suspended sediment plumes associated with a large spill within the Port may be more persistent than those in open coastal waters due to restricted water movement; nevertheless, based on sediment testing results, the plume would not be expected to cause significant toxicity to marine organisms. However, if a substantial amount of material settled to the bottom within the Port, there is some potential for localized acute toxicity and/or bioaccumulation of contaminants. The probability of an accidental release of a large volume of dredged shell mound material is remote, however.

PA1 through PA5 would require the use of vessels and equipment powered by diesel fuel and lubricated by oil and other mechanical fluids, which are considered hazardous substances. Accidents (e.g., spills arising from leakage of fuel, motor oil, or hydraulic fluid during operation and/or equipment maintenance) involving vessels or equipment would have the potential to adversely affect the environment through the release of these hazardous substances. The potential for an accident to occur, would be limited, however, by the use of licensed, trained personnel and the adoption of a regular, comprehensive maintenance program. Additionally, the dredging contractor would be required to have an approved, project-specific oil spill contingency plan that addresses spill prevention and spill response measures for any accidental release of hydrocarbons. All vessels and equipment would carry supplies of fuel and other mechanical fluids only in the quantities needed for their operation. All of the ocean-going vessels would maintain emergency response plans, equipment, and supplies for implementation in the event of a spill, in compliance with state and federal regulations. Finally, the USCG and local emergency agencies have response plans and regulatory programs in place to contain and clean up potential fuel spills. Due to these required operational measures, the risk of upset related to a potential accidental release of hydrocarbons is less than significant.

Section 30233. *(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following: . . (7) Restoration purpose….*

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation….

Dredging would be required only to remove the shell mounds, which is consistent with the statement that it be conducted for restoration purposes. This document contains a

number of mitigation measures intended to reduce environmental impacts to the extent feasible. As noted above, however, ocean disposal at LA-2, and PA2 and PA5b would each have significant unavoidable impacts associated with the exposure of marine biota to contaminants. Either of these two Program Alternatives would be inconsistent with the above policy. Otherwise, Program Alternatives and their components, with the inclusion of identified mitigation measures, would be consistent with this policy.

Section 30234.5. *The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.*

Adverse impacts to recreational fishing from shell mounds removal would be negligible since the shell mounds currently are only minimally used for recreational fishing. Some short-term significant impacts to commercial fishing could occur as a result of restricted activities within the vessel anchor pattern and safety zone around the site and due to the potential for oil spills. Adverse but not significant impacts include the loss of shell mound habitat, but this area is not considered important biologically. Removing the shell mounds would result in a long-term beneficial impact by adding 3.4 nm^2 (11.7 km^2 or 3,882 acres) of area suitable for halibut trawling.

Caisson removal at the former Platform Hazel site would have impacts comparable to shell mounds removal, but the period of fishing restrictions would be extended. Additionally, some loss of fish would result from the use of explosives, but this area does not currently support a dense fish population, and this would not be a significant impact. No significant impacts to fishing would result from the transport or disposal of dredged material.

Enhancement, PA4, would require the temporary loss of area during construction, but would result in a long-term increase of solid substrate that could support some species of commercial and/or recreational fishing value. PA3, capping, impacts would be similar to those associated with shell mounds removal, but the period of closure would be slightly longer. The remnant platform legs would provide solid, high-relief habitat required by some species, which would be a minor benefit. Additionally, capping the mounds would remove any potential for contamination. PA2 and PA5b would increase the potential that biota could be subjected to the effects of contaminants, which would reduce the area's potential for recreational and commercial fishing. There is also a potential for damage to gear from shells and other debris, thus effectively reducing this area's availability for use by halibut trawlers.

All options that do not include complete removal would result in the continued loss of some area accessible to trawlers.

Mitigation measures have been identified in Section 3.5 that would reduce all impacts to less than significant with the exception of the potential contamination resulting from the spreading-in-place option. With this exception, the potential project components would be consistent with this policy given the implementation of mitigation measures identified in Section 3.5.

Section 30251. *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and where feasible, to restore and enhance visual quality in visually degraded areas.*

Offshore construction, transport, and disposal activities would be short term and well removed from any sensitive public views. Disposal of dredged material at an existing landfill or an approved recycling facility would not affect the aesthetic environment. No impacts would occur. Short-term disposal activities at the POLB would occur in an industrial area and would be compatible with the existing visual character of the area. No aesthetic changes would result from PA6 and the No Project Alternative. The potential Program Alternatives would be consistent with this policy.

Section 30253. *New development shall*

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

(3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.

(4) Minimize energy consumption and vehicle miles traveled.

(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

The shell mounds Program Alternatives would not constitute new development, create risks to life and property, or affect erosion of the coastline. None of the potential Program Alternatives would contribute to an exceedance of an ambient air quality standard, but PA1 through PA5 would exceed the SBCAPCD daily NO_x emission significance threshold and the SCAQMD daily and calendar quarter NO_x emission significance thresholds. These impacts are temporary and would be mitigated to the maximum extent feasible as discussed in Section 3.1. These Program Alternatives are thereby consistent with (3) above. The POLB represents the closest industrial site where the shell mounds materials can be handled for onshore disposal without significant disruption of other coastal-dependent activities. As a result, PA1 and PA5a are consistent with (4) above. Regarding (5) above, all Program Alternatives would not adversely affect popular destinations or recreational activities.

As a result, the shell mounds Program Alternatives would be consistent with this policy.

5.2 CALIFORNIA OCEAN PLAN AND WATER QUALITY CONTROL PLAN (BASIN PLAN)

The California Ocean Plan (Ocean Plan) is the State's water quality control plan for ocean waters. It identifies "beneficial uses" of California's ocean waters needing protection; establishes "water quality objectives" necessary for protecting those beneficial uses; and sets forth an implementation program (including waste discharge limitations, monitoring, and enforcement) to ensure that water quality objectives are met.

The Central Coast Region, Regional Water Quality Control Board has established a Water Quality Control Plan (Basin Plan) for coastal waters, including the areas of the 4H shell mounds. The standards incorporate the applicable portions of the California Ocean Plan and are more specific to the beneficial uses of marine waters adjacent to the project site. These water quality objectives and toxic material limitations are designed to protect the beneficial uses of ocean waters within specific drainage basins. Beneficial uses of coastal waters in the vicinity of the project area are described in Section 3.2, Oceanography, Marine Water Quality, and Sediment Quality.

As discussed in Section 3.2, removal of the shell mounds, along with barge dewatering, and structure removal may cause temporary exceedances of water quality criteria established by the Ocean Plan outside of an initial mixing zone. These would not persist after dredging operations are completed. Given the implementation of mitigation measure WQ-1, described in Section 3.2, the removal of the shell mounds would be consistent with the Ocean and Basin plans. Additionally, if appreciable amounts of shell mounds material were redeposited after dredging and not removed during final smoothing, this could cause acute toxicity and or contaminant bioaccumulation. Implementation of mitigation measure WQ-2 would bring PA1 and PA5a into compliance with the Ocean and Basin plans.

Development of the shell mounds into artificial reefs, PA4, would not substantially alter existing water or sediment quality conditions, assuming that any construction would not appreciably disturb the present mound structures and contaminants associated with the inner portions of the mound would not be released or remobilized to the environment. This Program Alternative would be consistent with the Ocean and Basin plans.

Capping the shell mounds, PA3, could have a beneficial impact to water quality by maintaining the integrity of the shell mounds. The results of the Mussel Study indicate that leaching of contaminants from the mounds is not occurring. Capping the shell mounds would not cause significant adverse impacts to water quality and would be consistent with the Ocean and Basin plans.

Spreading the shell mounds, PA2 and PA5b, could result in the concentrations of some contaminants associated with suspended particles exceeding the Ocean Plan criteria, similar to shell mounds removal. The potential also exists for acute toxicity and

contaminant bioaccumulation in areas where spreading and mixing with native sediments is inadequate to reduce contaminant concentrations to the extent they are no longer deleterious to biological communities. With the implementation of mitigation measures WQ-4 and WQ-5, however, this Program Alternative would be consistent with the Ocean and Basin plans.

Results from sediment testing (AMEC 2002) indicated that the shell mound materials are unsuitable for ocean disposal due to significant acute toxicity and bioaccumulation of contaminants. Therefore, the material does not meet the LPC for sediment quality, and disposal of shell mound materials would be expected to cause significant and unavoidable impacts to sediment quality at the LA-2 disposal site. Thus, disposal at LA-2 would not be consistent with the Ocean or Basin plans.

Providing offsite mitigation, PA6, and the No Project Alternative would result in the continuing risks of contaminant releases to the environment, with potential toxicity and bioaccumulation effects and, should such release occur in the future, would not be consistent with the objectives of the Basin and Ocean Plans.

5.3 AIR QUALITY MANAGEMENT PLANS

Specific Program Alternatives would affect air quality in the Santa Barbara County portion of the South Central Coast Air Basin (SCCAB), the South Coast Air Basin (SCAB), and the Kern County portion of the San Joaquin Valley Air Basin (SJVAB). The U.S. Environmental Protection Agency (USEPA), under the provisions of the Clean Air Act, requires each state that has not attained the National Ambient Air Quality Standards (NAAQS) to prepare a separate local plan detailing how these standards will be met in each local area. These plans are to be prepared by local agencies designated by the governor of each state and incorporated into a State Implementation Plan (SIP). As discussed in Section 3.1, the SBCAPCD uses the *Final 1998 Santa Barbara County Clean Air Plan* (*1998 CAP*) to address attainment of the national and State O_3 standards within the County. The SBCAPCD developed the *2001 Clean Air Plan* (200*1 CAP*) to formally request the EPA to redesignate Santa Barbara County as an attainment area for the federal 1-hour ozone standard. The South Coast Air Quality Management District (SCAQMD) is responsible for regulating emission sources within the SCAB. The SCAQMD has developed the *1997 Air Quality Management Plan* and the *1999 Revised Ozone Plan* to bring the region into attainment of the State and national ambient air quality standards. The San Joaquin Valley Unified Air Pollution Control District (SJVAPCD) is responsible for regulating stationary sources of emissions within the SJVAB. SJVAPCD has developed rules and air quality attainment plans designed to reduce emissions to a level that will bring the region into attainment of the O_3 and PM_{10} ambient air quality standards.

The air quality plans designed to bring the three air basins affected into attainment of the State and national ambient air quality standards include mobile source control measures and a clean fuels program, which are enforced at the state and federal level on engine manufacturers and petroleum refiners and retailers. PA1 through PA5 would produce nonattainment pollutants in the form of combustive emissions and fugitive dust

emissions (PM_{10}). Each Program Alternative would not conflict with or obstruct implementation of emission control strategies in these air quality plans, so long as the equipment and fuel used by construction contractors and operators comply with all applicable State and federal regulations.

Some of the PM_{10} control strategies in the SCAB and SJVAB rely on the control of fugitive dust sources, such as bulk handling and storage facilities. The construction contractors and operators of these proposed facilities would have to comply with SCAMQD Rule 403 and SJVAPCD Rule 8031 by implementing one or more of the control measures outlined in these rules during shell mounds handling and storage activities.

5.4 PORT OF LONG BEACH PORT MASTER PLAN

The Port of Long Beach Port Master Plan (PMP) is the primary planning guide for development within the Port. The PMP has been certified by the California Coastal Commission and establishes permitted uses within each planning district, along with long-term planning policies. Development within the POLB is required to be found consistent with the PMP. Dredged material would only be disposed of at the POLB if it were to be used as construction fill for a Port-approved project and thus would be consistent with the PMP. Transferring the dredged material to containers would occur only at an existing, Port-approved facility, and this action also would be consistent with the PMP.

5.5 CITY OF LONG BEACH GENERAL PLAN

In the city of Long Beach General Plan, the Long Beach Harbor falls within Land Use District (LUD) Number 12. LUD 12 is composed of the existing freeways, the Long Beach Harbor, and the Long Beach Airport. The General Plan assumes that water and land use zoning designations within the harbor area are separately formulated and adopted by due process as the Specific Plan of the Long Beach Harbor (also known as the Port Master Plan, as amended). The General Plan indicates that the responsibilities for planning and zoning within legal boundaries of the harbor are with the Harbor Commission. Since the proposed project would conform to the PMP it would also conform to the General Plan. The PMP serves as the functional equivalent to the City's General Plan and zoning requirements.

5.6 CONGESTION MANAGEMENT PLAN

The Congestion Management Plan (CMP) is a state-mandated program intended to be the analytical basis for transportation decisions made through the State Transportation Improvement Program process (LACMTA 1993). As mandated by Assembly Bill 471 (1989), and amended by Assembly Bills 1791 (1990), 1435 (1992), and 3093 (1992), the Los Angeles County Metropolitan Transportation Authority (LACMTA) has prepared a CMP for the County. The CMP was developed to: (1) link land use, transportation, and air quality decisions; (2) develop a partnership among transportation decision makers on devising appropriate transportation solutions that include all modes of travel;

and (3) propose transportation projects which are eligible to compete for State Gas Tax funds. According to CMP Traffic Impact Analysis (TIA) Guidelines, a traffic impact analysis is required at the following:

- CMP arterial monitoring intersections, including freeway on- or off-ramps, where the proposed project would add 50 or more trips during either the A.M. or P.M. weekday peak hours.
- CMP freeway monitoring locations where the proposed project would add 150 or more trips during either the A.M. or P.M. weekday peak hours.

As discussed in Section 3.7, PA1 and PA5a would generate about 4 to 9 trips per hour. Thus, either would be consistent with the CMP.

5.7 SUMMARY

The consistency of the different Program Alternatives with applicable plans and policies is summarized below.

5.7.1 Program Alternative 1 (PA1): Shell Mounds and Caissons Removal and Disposal

Shell mounds and caissons removal and onshore disposal would be consistent with applicable plans and policies with mitigation. Short-term impacts would occur but would be less than significant. Disposal at LA-2 would be inconsistent with Coastal Act policies and the Ocean and Basin plans because it would expose marine biota to significant risks of toxicity and bioaccumulation.

5.7.2 Program Alternative 2 (PA2): Leveling and Spreading of Shell Mounds with Caissons Removal and Disposal

Because this Program Alternative would result in the exposure of marine biota to contaminants and significant toxicity and bioaccumulation when the shell mounds are spread on the seafloor, it would be inconsistent with Coastal Act policies and the Ocean and Basin plans.

5.7.3 Program Alternative 3 (PA3): Capping

Capping the shell mounds, including provisions to ensure the long-term effectiveness of the cap, would be potentially consistent with applicable plans and policies.

5.7.4 Program Alternative 4 (PA4): Artificial Reefs at all Four Shell Mounds

In-place modification/enhancement of the shell mounds as artificial reefs, including provisions to ensure the stability of the mounds and containment of contaminated sediments, would be potentially consistent with applicable plans and policies.

5.7.5 Program Alternative 5 (PA5): Artificial Reef at Hazel after Removing (PA5a) or Spreading (PA5b) Shell Mounds

PA5a would be similar to PA1 with regard to shell mounds removal, and consistent with applicable plans and policies. PA5b would be similar to PA2 with regard to shell mounds spreading, and would be inconsistent with applicable plans and policies for the same reasons as PA2.

5.7.6 Program Alternative 6 (PA6): Offsite Mitigation

PA6 would leave the shell mounds in place, but with mitigation, the risks of significant impacts to coastal resources would be reduced to less than significant. Compensatory offsite mitigation would be provided for habitat loss and effects on commercial fishing. As a result, PA6 could be found consistent with applicable plans and policies.

5.7.7 No Project Alternative

The No Project Alternative would be inconsistent with Coastal Act policies because it would be inconsistent with the permit requirements issued under the Coastal Act for the 4H Platform Decommissioning and would not restore or enhance marine resources. It would not be consistent with the Ocean and Basin plans because it could result in adverse impacts to water quality.